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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/752,623	12/28/2000	Juergen Kockmann	00 P 9130 US	9440

7590 08/12/2003

Siemens Corporation  
Intellectual Property Department  
186 Wood Avenue South  
Iselin, NJ 08830

EXAMINER

NGUYEN, SIMON

ART UNIT	PAPER NUMBER
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2685

DATE MAILED: 08/12/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/752,623

Applicant(s)

KOCKMANN, JUERGEN

Examiner

SIMON D NGUYEN

Art Unit

2685

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 23 December 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 December 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 3-4, 6, and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by Smith et al. (5,790,587).

Regarding claim 1, Smith discloses a communication device (fig.1), comprising: a receiver adapted to receive signals at a plurality of frequency bands (figs. 14-15, abstract, column 2 lines 47-48); and a programmable filter (714, 715 of fig.14) adapted to bandpass filter the signals at individual ones of the frequency bands (column 3 lines 42-61, column 8 lines 60-67).

Regarding claim 3, this claim is rejected for the same reason as set forth in claim 1.

Regarding claim 4, this claim is rejected for the same reason as set forth in claim 1, wherein Smith further discloses the receiver to be used in a communication system (fig.7) having a base station and a plurality of mobile stations (fig.1, 6-7, 9).

Regarding claims 6 and 8, these claims are rejected for the same reason as set forth in claim 1.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2, 5, 7, and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith et al. (5,790,587) in view of Ciccone (6,128,504).

Regarding claims 2, 5, 7, 9, Smith discloses the receiver capable of operating in a plurality of frequency bands in a spread spectrum signals with a TDMA technique (column 2 lines 45-57), wherein the TDMA technique is obvious to be used in a frequency hopping. However, Smith does not specifically disclose that the receiver being a frequency-hopping receiver.

Ciccone discloses a communication system use a TDMA technique (column 9 lines 24, 35) in which a frequency hopping used for communications between a base unit and a plurality of the portable units (column 2 lines 7-24) which means the portable units inherently having a frequency hopping receiver. Therefore, it would have been obvious to one skilled in the art at the time the invention was made to modify Smith with the teaching of Ciccone to have multiple mobile units capable of operation in close reception proximity to each other without interference.

5. Claims 10-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ciccone (6,128,504) in view of Smith et al. (5,790,587).

Regarding claim 10, Ciccone discloses a frequency hopping between a base station and a plurality of portable units (figs. 1-2, abstract), wherein the base station establishes a frequency hopping scheme and provides information indicative of the scheme to the portable units (figs.12-14, column 18 line 23 to column 19 line 67). It is noted that Ciccone discloses each portable unit having a receiver (230 of fig.2) for receiving and filtering received signals (column 6 lines 65-67), which is obvious to one skilled in the art. However, Ciccone does not specifically disclose a bandpass filter for select a plurality of signals.

Smith discloses a mobile terminal having a receiver, wherein the receiver comprises a bandpass filter for receiving and selecting a plurality of frequency bands (figs.14-15, column 2 lines 46-49, column 42-62, column 18 lines 59-67). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to modify Ciccone with the teaching of Smith to synchronize a communication link between a base station and mobile units in order to prevent the signal interference.

Regarding claims 11-13, Ciccone further discloses the base station informs the scheme to the portable units via a broadcast signal (column 18 lines 32-67) but failed to disclose a bandpass filter.

Smith discloses a portable unit for communication with a base unit, wherein the portable unit having a receiver with a bandpass filter (column 18 lines 59-67). It should be noted that since Ciccone teaches the base station informs the mobile unit about the

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frequency hopping scheme, the mobile unit inherently inform all components in the receiver about the scheme in order to synchronize the communication link between the mobile and base units.

Regarding claim 14, this claim is rejected for the same reason as set forth in claim 10.

Regarding claims 15-17, these claims are rejected for the same reason as set forth in claims 11-13, respectively.

### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Elliott et al. (3,938,048) disclose a receiver, wherein the receiver receives a plurality of frequency band, and wherein the plurality of frequency band is selected by a bandpass filter (abstract, fig.1).

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Simon Nguyen whose telephone number is (703) 308-1116. The examiner can normally be reached on Monday-Friday from 7:00 AM to 4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward F. Urban, can be reached on (703) 305-4385.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 306-0377.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

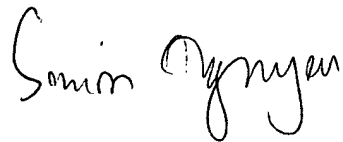
Or faxed to:

(703) 872-9314, (for formal communications intended for entry)

Hand-delivered response should be brought to Crystal Park II,  
2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Simon Nguyen

August 7, 2003

A handwritten signature in cursive script that reads "Simon Nguyen".